

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL D. WILLIAMS,)
a.k.a. Michael Dwayne Williams,)
ID # 727667,)
Petitioner,)
vs.) No. 3:08-CV-1381-K
) ECF
NATHANIEL QUARTERMAN, Director,)
Texas Department of Criminal)
Justice, Correctional Institutions Division,)
Respondent.)

ORDER OF THE COURT ON RECOMMENDATION
REGARDING CERTIFICATE OF APPEALABILITY

Considering the record in this case and the recommendation of the Magistrate Judge, and pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253 (c), the Court hereby finds and orders:

IFP STATUS:

(X) the party appealing is GRANTED *in forma pauperis* status on appeal.
() the party appealing is DENIED *in forma pauperis* status on appeal
for the following reasons:
() the Court certifies, pursuant to Fed. R. App. P. 24(a) and 28 U.S.C. § 1915 (a)(3), that the appeal is not taken in good faith. In support of this finding, the Court adopts and incorporates by reference the Magistrate Judge's Findings and Recommendation entered in this case on _____. Based upon the Magistrate Judge's findings, this Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous. *See Harkins v. Roberts*, 935 F. Supp. 871, 873 (S.D. Miss. 1996) (citing *Howard v. King*, 707 F. 2d 215, 219-20 (5th Cir. 1983)).

COA:

() a Certificate of Appealability is GRANTED on the following issues: _____
() a Certificate of Appealability is DENIED. The Court hereby adopts and incorporates by reference the Magistrate Judge's Findings and Recommendation entered in this case on September 2, 2008, in support of its finding that it lacks subject matter jurisdiction over the instant habeas corpus petition. Petitioner has failed to show that reasonable jurists would find it debatable whether the Court was correct in dismissing his petition for lack of jurisdiction. *See Miller-El v.*

Cockrell, 537 U.S. 322, 338 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000); 28 U.S.C. § 2253(c)(2).

SIGNED: October 30th, 2008.

Ed Kinkeade

ED KINKEADE
UNITED STATES DISTRICT JUDGE